

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Rules – The Andhra Pradesh Excise (Grant of licence of selling by shop and conditions of licence) Rules, 2012 – Notification – Issued.

REVENUE (EX.II) DEPARTMENT

G.O.Ms.No. 391

Dated:18.06.2012
Read the following:

1. G.O. Ms. No. 998 Revenue (Ex-II) Department dated 24-05-2005
2. G.O. Ms. No. 390, Revenue (Ex-II) Department dated 18-06-2012

ORDER:

The following notification will be published in an Extra-ordinary issue of the Andhra Pradesh Gazette dated 18.06.2012.

NOTIFICATION

In exercise of the powers conferred by Section 72 read with Sections 17, 28 and 29 of the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968) and in supersession of the Andhra Pradesh Excise (Lease of Right of selling by shop and conditions of licence) Rules, 2005 issued in G.O. Ms. No. 998 Revenue (Ex-II) Department dated 24-05-2005 the Governor of Andhra Pradesh hereby makes the following Rules:

RULES

1. Short title, extent, commencement and application:-

- (1) These rules may be called the Andhra Pradesh Excise (Grant of licence of selling by shop and conditions of licence) Rules, 2012.
- (2) They shall extend to all the areas where the Andhra Pradesh Excise Act, 1968 is in force.
- (3) They shall come into force at once.
- (4) These rules shall apply for the grant of licence for selling IMFL and FL in retail by shop, conditions governing such licence and transport of IMFL and FL by such licence holders.

2. Definitions:-

- (1) In these rules unless the context otherwise requires,
 - (a) "Act" means the Andhra Pradesh Excise Act. 1968 (Andhra Pradesh Act 17 of 1968)
 - (b) "APBCL" means the Andhra Pradesh Beverages Corporation Limited
 - (c) "Dry day" means a day on which no liquor shall be sold in the licensed premises;
 - (d) "Excise Adhesive Label" means the label designed and approved, printed and supplied under the supervision and control of the Commissioner of Prohibition and Excise, from time to time in different forms for the purpose of its affixture to sealed bottles of different varieties and sizes containing liquor or Hologram.
 - (e) "Foreign Liquor", referred to as "FL", means every liquor imported into India, other than the Indian Made Foreign Liquor;

- (f) "Form" means a form appended to these Rules;
- (g) "Government" means the State Government of Andhra Pradesh
- (h) "Highway" means a National Highway or a State Highway but shall not include the part of the National Highway or State Highway which passes within the limits of a Municipal corporation, Municipality or the Gouthan in any village or panchayat area;
- (i) "Indian Made Foreign Liquor", referred to as "IMFL" means Liquor produced, manufactured or compounded in India after the manner of Gin. Brandy. Whisky or Rum imported from foreign countries and includes Wine and Beer and Milk Punch and other liquors consisting of or containing any such spirits but does not include foreign liquor.
- (j) "Licence" means a licence issued under these Rules:
- (k) "Licensee" means holder of such licence.
- (l) "Licensing Authority" means the Prohibition and Excise Superintendent of the concerned place in which the licensed shop is located
- (m) "Licence Fee" means annual licence fee as notified by the Government from time to time and includes proportionate licence fee.
- (n) "Licence period" means the period of twelve months commencing from 1st July and ending on 30th June of the succeeding year or part thereof.
- (o) "Licensed premises" means a premises where IMFL and FL are permitted to be sold by the Licensee.
- (p) "Maximum Retail Price" (MRP) means the price indicated by the Andhra Pradesh Beverages Corporation Limited or any other agency authorized by the Government for declaration on each variety of label by the Manufacturers of Indian Made Foreign Liquor as required under Section 39 of the Standards of Weights and Measures Act, 1976 read with clause (r) of rule 2 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977
- (q) "Permit" means a permit issued under these rules.
- (r) "Permit Room" means a privilege granted under these rules in Form A-4(B) to a holder of Licence in Form A-4 to allow consumption of Indian Made Foreign Liquor and Foreign Liquor in a separate permitted premises adjacent to the A-4 licensed premises by the customers who purchased such Indian Made Foreign Liquor and Foreign Liquor from the A-4 Licensee
- (s) "Population" means the figure of population as officially published in the latest census.
- (t) "Scheduled Areas" means the Scheduled Areas notified under paragraph 6 of the Fifth Schedule of the Constitution of India
- (u) "Shop" means a privilege granted under these rules for sale of Indian Made Foreign Liquor or Foreign Liquor in sealed or capsuled bottles or packages or tins to an individual in quantities not exceeding the limits as prescribed without permitting consumption on the licensed premises.
- (v) "Sealed" in relation to the bottles containers or other receptacles means closed with a capsule and wrapped by wire or closed with a cork or lid and Wrapped with a lining around it.
- (w) "Transport Permit" means a permit issued by the competent officer for transport of IMFL and FL from the A.P.B.C.L. depot to the licensed premises.

(x) "Village/ Town/ city etc." shall mean Village/ Town/ city as defined in the latest census.

(2) The words and expressions used but not defined in these rules shall have the same meanings assigned to them in the Andhra Pradesh Excise Act, 1968 and Andhra Pradesh Excise (Import, Export and Transport of Indian Made Foreign Liquor and Foreign Liquor - Permits) Rules, 2005.

3. Grant of right to sell Indian Made Foreign Liquor and Foreign Liquor:

(1) Subject to the provisions of these rules, the right to sell IMFL and FL in retail by shops shall ordinarily be granted by way of licence issued after publishing a notification and inviting applications from the public.

(2) In the case of shops located in Scheduled Areas the right to sell IMFL and FL in retail by shops shall be granted to local Scheduled Tribe candidates and in case there is no such applicant available it shall be granted to any other Scheduled Tribe candidate and if not available to any other candidate.

4. Establishment of Shops:-

Subject to such directions, which the Government may issue in this regard from time to time, the Commissioner of Prohibition and Excise, having due regard to the requirement, public order, health, safety and other factors as he thinks fit, may fix the number of shops to be established in an area/ locality before the publication of notification under Rule 5.

5. Notification in the District Gazette:

(1) Where it is proposed to grant licence to sell IMFL and FL by shop, the Licensing Authority may call for application for grant of licences in the area / locality, as approved by the Commissioner of Prohibition and Excise, by issuing a notification in the District Gazette at least (7) seven days in advance of the date of selection containing the following particulars, namely:-

- (i) Serial number and name of the area/locality where the shop will be established. In case of shops to be located in Scheduled Areas the same shall be separately listed and serial numbered.
- (ii) The place of selection with time and date.
- (iii) The last date, time and place for receipt of applications.
- (iv) The period of licence.
- (v) Any other matter which may be considered by the licensing authority necessary for information to the applicants.

6. Declaration etc.:

The applicant for grant of licence shall submit the following along with the application, namely:-

- (i) A declaration in Form A-1 made on Non-judicial Stamp paper of the requisite value as per the provisions of the Indian Stamp Act. 1899 and attested by the Tehsildar or Gazetted Officer of the Prohibition and Excise Department under his official seal:
- (ii) A duly notarised affidavit in Form A-2 made on non-judicial stamp paper of the requisite value as per the provisions of the Indian Stamp Act. 1899 containing the particulars of his own immovable property and the present market value thereof and encumbrances existing if any disclosing all necessary particulars thereof for an amount not less than five lakh rupees or a Bank Guarantee for an equal amount.
- (iii) A declaration in Form A-3 made on non-judicial stamp paper of the requisite value as per the provisions of the Indian Stamp Act, 1899 attested by the Tehsildar or a Gazetted Officer of the Prohibition and Excise Department declaring that he is not disqualified under any of the provisions of Rule 8.

7. Entry Pass:

No person other than the officers on duty and persons duly authorized by the District Collector shall enter the place of selection without presenting an Entry Pass which will be issued to the applicants who have already filed applications, duly affixing his/her/their passport size photo(s).

8. Persons not eligible to participate in the process of selection of applicants:

The following persons shall not be eligible to participate in the selection process, namely:-

- (a) A person who is below the age of 21 years.
- (b) A person who has been convicted of any offences specified in clause (d) of sub-section (1) of Section 31 of the Act in respect of which he has been penalised or convicted within the preceding three years:
- (c) A person who has been convicted or whose licence has been cancelled for breach of any of the conditions of licence granted under Section 31 of the Act within the preceding three years;
- (d) A person who has been held guilty either in a departmental proceeding or in a Court, of an offence under Section 37 of the Act for adulteration of toddy by mixing any article injurious to public health or otherwise within the preceding three years.
- (e) A person who is suffering from any contagious disease:
- (f) A person who is a defaulter of excise revenue; or
- (g) A person who is adjudged as an insolvent by a competent Court.

9. Impersonation in filing applications not allowed:

No person shall submit application on behalf of any other person unless he/she holds a power of attorney from such person.

10. Disqualifications:-

- (1) No licence shall be granted to a person who is found ineligible under Rule 8 and who does not comply with the conditions prescribed under Rule 6.
- (2) If any person, who is disqualified under this rule, is found to be holding a licence, the licence shall be withdrawn in accordance with Section 32 of the Act and the shop shall be re-notified/ re-allotted for grant of fresh licence.

Provided that if such disqualification comes to the notice of the licensing authority before the licence is granted but after the selection process is completed, the selection authority shall conduct the selection process afresh after eliminating the disqualified applicant.

11. Officers authorised to conduct the selection process:

The Collector shall be the Selection Authority to conduct the process of selection of applicants for grant of licence.

Provided that the Commissioner of Prohibition and Excise may, in his discretion, authorize the Deputy Commissioner of Prohibition & Excise or any other officer of the Prohibition and Excise Department, not below the rank of a Prohibition and Excise Superintendent, to conduct the selection process.

Provided further that the Commissioner of Prohibition and Excise may authorise any Collector to conduct the selection process in more than one district.

12. Submission of applications and selection of applicants for grant of licence:-

- (1) The application(s) in Form A-3(A) shall be submitted by the applicant(s) in a envelope addressed to the licensing authority on or before the last date and time notified for receipt of applications along with the following:
 - (i) Demand Draft obtained from a scheduled bank drawn in favour of the Licensing authority for Rs.25,000/-(Rupees twentyfive thousand only) being non-refundable application fee.
 - (ii) Two recent pass port size photographs.
 - (iii) Demand Draft for an amount equal to 10% of the licence fee subject to a maximum of Rs.5,00,000/-towards earnest money deposit drawn in favour of the Licensing Authority to be adjusted against the licence fee payable if the shop licence is granted on selection of the applicant or returned if the same is not granted or refused due to any reason.
 - (iv) Declaration in Forms A-1 and A-3 and Affidavit in Form A-2
 - (vi) Application in Form A-4(A) for grant of licence for Permit Room at places where the same is allowed under sub-rule (2) of rule- 25
 - (vii) Scheduled Tribe Certificate and local Scheduled Area Residence Certificate (only in respect of local S.T. candidates applying for shops in Scheduled Areas).
- (2) The envelope containing the application shall be superscribed with the words 'Application for the grant of licence in Form-A4 for the **licence period 20__ - 20__** to sell IMFL and FL by shop at____ (Sl. No. of the Gazette, Name of the Locality/area). The applicant may obtain acknowledgment for the envelope presented.
- (3) The applications not accompanied by the relevant documents/ enclosures specified under sub-rule (1) shall be forth with rejected by the Selection Authority.
- (4) Every application shall be taken into consideration if it is presented on or before the prescribed date and time and no application shall be received after the prescribed date and time notified by the Licensing Authority.
- (5) The selection process shall be taken up at the place, time and date notified in the presence of the applicants who are available at the time of selection

Provided that if the District Collector considers that the selection process should be postponed to a future date/time or shifted to a different venue for any reason he may do so by recording the reasons there-for and after notifying the same to the applicants.

- (6) (a)The selection process shall be taken up shop-wise, as notified in the District Gazette.

Provided that the Commissioner may, for sufficient reason(s) to be recorded in writing, withdraw any shop from the selection process before the same is commenced

- (b) At the commencement of the selection process the licensing authority shall first announce the names of persons and the number of persons who have filed applications for a particular shop.
- (c) Where there is only one application for a shop, if the licensing authority is satisfied that the applicant is eligible for grant of licence and that the statutory requirements have been fulfilled, he shall collect the licence fees in the manner provided there for and grant the licence or if not so satisfied, reject the application after recording the reasons there for.
- (d) Where there are more than one applications for a notified shop, the selection among the eligible applicants for grant of licence shall be by drawal of LOT by the Collector in the presence of the applicants who are available at the time of selection.
- (e) In case the selected applicant is not willing to take the licence, the earnest money deposit submitted along with the application in the form of Demand Draft shall stand forfeited to the Government.
- (f) The successful applicant shall sign his name or affix his thumb impression against the relevant entry in the register maintained for the purpose.
- (g) Where the successful applicant is not available at the place of selection, the earnest money deposit submitted along with the application in the form of Demand Draft shall be forfeited and the selection process shall be continued by taking a fresh LOT, if necessary. The procedure shall be continued till the selection of applicant for the shop is finally made.
- (7) The District Collector may, by order, reject any application on the ground that the applicant has indulged in impersonation referred to under Rule-9.
- (8) No person shall be entitled to hold licence for more than one shop. In the event of a person being selected for a shop, all the other application(s) filed by him in respect of any other shop(s) shall automatically become invalid and the successful applicant, who has filed applications for more than one shop, shall immediately inform the details of other applications filed by him so as to declare them invalid.

13. Removal of certain persons from the place of selection:

When it comes to the notice of District Collector that any person at the place of selection and during the time of selection behaves or acts in a disorderly or riotous manner or in such other manner as it is likely to cause loss to the Government or forbids any person from participating, the District Collector may cause his removal from the place of selection.

14. Signature in the Register:

Every applicant, who has been selected for the grant of licence, shall sign his name or affix his thumb-impression against the relevant entry in the register maintained for the purpose. The District Collector shall also obtain the signatures of all the applicants in a separate register maintained for the purpose.

15. Selected applicant shall obtain licence:-

The selected applicant shall obtain licence in Form A-4 after fulfilling the

required formalities and satisfying the rules in respect of the premises where the shop will be located.

16. Licence fee and privilege fee for retail shops, mode of levying and method of payment:

- (1) The annual licence fee for the shop licence (A-4) shall be levied on the basis of population and at the rates notified by the Government from time to time.

Provided that if a shop cannot be disposed of even after the commencement of the licence period and upto 31st July the licence fee shall be reduced so as to be proportionate to the unexpired period, part of a month being treated as a full month.

- (2) The licence fee shall be paid in one lumpsum or in three equal installments at the option of the selected applicant.

- (3) Where the selected applicant opts to pay the licence fee in installments, he/she shall pay a sum equal to 1/3rd of the licence fee for the shop less the amount remitted under sub-rule (1)(iii) of Rule-12 on the day of selection or the succeeding working day by way of Challan. He/ she shall also submit two Fixed Deposit Receipts or Bank Guarantees in Form A-5, each equal to 1/3rd of the annual licence fee, valid for 5 months and 9 months respectively, issued by a Scheduled Bank situated in Andhra Pradesh, within seven days of his/her selection and obtain the licence. Before the successful applicant obtains the licence he shall also show his immovable property in Form A-2 and sureties in Form A-2(S) as security put together for an amount equal to the annual licence fee.

Provided that the District Collector may, at his discretion, for valid and genuine reasons that may be recorded in writing, grant extension of time not exceeding seven working days to the selected applicant for submission of Fixed Deposit Receipts or Bank Guarantees in Form A-5 and obtain the Licence.

- (4) The Licensee shall remit the 2nd installment sum equal to 1/3rd of the annual licence fee, on or before 20th of October and furnish a fresh Bank Guarantee for 1/3rd of the annual licence fee valid for 9 months. The Licensee shall remit the 3rd installment sum equal to 1/3rd of the annual licence fee on or before 20th of February.
- (5) The licence fee shall be paid into the concerned Government treasury in the District in which the licensed premises is located.
- (6) In case of default in payment of any installment, the fixed deposit receipt or the Bank Guarantee amount shall be adjusted against the installments of licence fee on the due dates.
- (7) All interest accruing on the fixed deposit receipts shall vest in the Government and may be adjusted towards the Government dues including interest, if any, outstanding against the Licensee and if there be no such dues it shall be refunded to the Licensee at the end of the licence period.
- (8) If a licence is surrendered in the middle of the licence period, the fixed deposits/Bank Guarantees and the licence fee paid shall be forfeited to the Government.
- (9) The licensee shall be required to pay Privilege Fee @ 8%, plus applicable

Value Added Tax (VAT) thereon, on the Sale Price of IMFL and FL purchased from APBCL when the cumulative value of his/her purchases during the licence year exceeds six times of the annual Licence Fee

17. Re-allotment in case of failure to deposit moneys:

In case of failure to furnish the Fixed Deposit Receipts or Bank Guarantees as required under Rule 16 within the time specified, the selection made for the concerned shop shall be cancelled by the District Collector and the amounts already paid shall be forfeited to the Government. In such a case the shop may be re-allotted by conducting the selection process afresh among the remaining available applicants, and if no one is available, action may be taken to re-notify the shop or take action under Rule-18 with prior permission of the Commissioner of Prohibition and Excise.

18. Sale by outlets of A.P.B.C.L and by the licence holder of a IMFL Manufactory/Brewery:

- (1) The District Collector, with the approval of the Commissioner of Prohibition and Excise, may permit the A.P.B.C.L. or a licensee of IMFL Manufactory/ Brewery under the Act to open outlets for the sale of IMFL and FL in such areas/localities where the privilege of sale by shop could not be disposed of through selection or when a licence already granted is cancelled and the same could not be re-allotted for any reason.
- (2) The Commissioner of Prohibition and Excise may permit the A.P.B.C.L. or a licensee of IMFL Manufactory/ Brewery under the Act to open outlets for the sale of IMFL and FL anywhere in the State whenever he deems it necessary in public interest.
- (3) The outlets opened under this rule shall sell IMFL and FL at prices not exceeding the Maximum Retail Price indicated on the labels of the bottles and issue bills to the customers accordingly. The outlets opened by a licensee of IMFL Manufactory/ Brewery shall also pay the applicable licence fee and comply with the other relevant provisions of this rule.

19. Counterpart Agreement:-

After being selected it shall be the duty of the selected applicant to execute a counterpart agreement in conformity with the tenor of the licence in Form A-6 on a stamp paper of requisite value as per the provisions of the Indian Stamp Act, 1899 before taking out a licence for the sale of IMFL and FL.

The counterpart agreement shall come into force with effect from the 1st July of the licence period in case selection process is conducted on or before 1st July and in case where the selection process takes place after 1st July, the counterpart agreement shall come into force from the date of selection and remain valid for the left over part of the licence period.

20. Issue and commencement of licence:-

Mere selection of application does not entitle the applicant or confer on him any right to commence business until the licence has actually been issued. It shall be the responsibility of the successful applicant to execute the counterpart agreement referred to in Rule 19 and also complete the other formalities contemplated in Rule 16 within the time specified and obtain a licence. If the successful applicant fails to do so his selection shall stand cancelled automatically.

21. Bar on renewal of licence:

A licence granted under these rules for the period from 1st July, 2012 to 30th June, 2013 or part thereof shall be considered for renewal for the licence period 1st July,

2013 to 30th June, 2014 only subject to the applicant not incurring any disqualification under Rule-8, completing all formalities under these rules and paying the requisite licence fee, as may be notified by the Government at the appropriate time for the said renewal period. There will however be no right to claim further renewal of licence beyond 30th June, 2014.

22. Death of a licensee:

A licence issued under these rules shall be only to the persons(s) named there in and on his death the heir or legal representative may apply for continuance of the licence in his/her name to the licensing authority within 30 days of the death of the Licensee. If the licensing authority is satisfied he may continue the licence in the name of the heir or legal representative of the deceased Licensee. In case the selected applicant dies before grant of licence, the legal heir of the selected applicant may be permitted to obtain the licence in the manner prescribed in Rules 16 and 19. In case the legal heir of the selected applicant is not willing to obtain the licence after fulfilling the formalities prescribed under Rule 16 and 19, the earnest money deposit paid along with the application may be returned to the legal heir and the shop shall be disposed of by fresh selection.

23. Period of the licence and commencement of business:

- (1) Every licence shall, ordinarily, be valid for one year commencing from 1st July of the year of selection.

Provided that a licence granted after 1st July of the licence period shall be valid for the remaining part of the licence period only.

Provided further that a licence granted for a part of a licence period shall be for such period as may be specified by the licensing authority.

Provided also that every licence holder shall commence his business from **1st July of the licence period** or such other date as may be specified in the licence and shall keep the licensed premises open every day during the hours fixed till the expiry of the term of licence with sufficient stock of liquor unless the closure of the Licensed premises is ordered by the competent authority for the period specified.

24. Licensing Authority:

The Prohibition and Excise Superintendent concerned shall be competent to issue licence once the applicant is selected by the District Collector. The Prohibition and Excise Superintendent shall issue the Licence for the retail shop in the prescribed form A-4 and for the Permit Room in form A-4(B) after being satisfied that the premises selected are in accordance with the relevant rules.

Provided that the holder of A-4 (B) Licence shall not be permitted to serve liquor in loose and food to the consumers.

Provided further that no such licence shall be issued in Scheduled Areas unless the Grama Shabha concerned gives its consent or is deemed to have given its consent to grant such licence to establish the shop(s).

Explanation: For the purpose of this proviso a Gram Sabha shall be deemed to have given its consent to establish the shop(s) if it fails to indicate its consent or otherwise for establishment of the shop(s) in the concerned village within 30 days of seeking the same.

25. Selection of Premises:-

- (1) Subject to the approval of the Prohibition & Excise Superintendent the selected applicant shall select suitable premises for sale of IMFL and FL within the

Municipal Corporation, Municipality, village/town/city or area/ locality as the case may be as notified in the District Gazette. It shall be at least 100 meters away from the places of Public worship, Educational Institutions, Hospitals and 50 Meters away from Highways.

Explanation: For the purpose of this rule.

- (a) "Place of public worship" means a temple registered with the Endowment Department, Mosque registered with Wakf Board and Church and includes such other religious institutions, as the State Government may by order specify in this behalf;
- (b) "Educational Institutions" means any Primary school, Middle School and High School recognized by the State Government or Central Government, Junior College or any College affiliated to any University established by law;
- (c) "High Way" means National High way or State Highway and shall not include the part of the National Highway or State Highway which passes within the limits of Municipal Corporation, Municipality or the Gouthan in any village or Panchayat area.
- (d) "Hospital" means any hospital which is managed or owned by a local authority, State Government or Central Government or any private hospital having a provision of at least thirty (30) beds.

- (2) The holder of Licence in Form A-4 in places, whose population is 5000 and above, shall be licensed in Form A-4(B) to have a Permit Room.

Provided that no such Permit Room will be granted in Municipal Coporation and Municipalities and within a belt area of 5 kms from the periphery of such Municipal Corporation and within a belt area of 2 kms from the periphery of such Municipalities and in Tourism centres.

The premises selected for permit room must be adjacent to the existing A-4 Licensed premises and it must have a minimum plinth area of 15 sq.mts for consumption of liquor with additional facilities of sanitation such as wash basin, water closet and drinking water.

Provided also that the selected premises shall be at least 100mtrs away from the places of public worship, educational institutions, hospitals and at least 50mtrs from high ways.

- (3) The distances referred above shall be measured from the mid-point of the entrance of the Licensed premises along the nearest path by which a pedestrian would ordinarily reach the mid-point of the nearest gate of the institution or a place of public worship, if there is a compound wall and if there is no compound wall to the mid-point of the nearest entrance of the Institution/ place of public worship.
- (4) The boundaries of the premises shall be indicated in the licence.
- (5) There shall be a single door for entry and exit for the licensed shop and sales shall be conducted without giving entry to the customers inside the premises.

26. Licence Fee for Permit Room and method of payment:

The licence fee for a Permit Room shall be Rs.1,00,000/- for the licence period or part thereof and is payable in lumpsum, in applicable cases, at the time of completion of formalities under Rule-16.

27. Transport permit:-

Transport permit may be issued authorizing movement of IMFL and FL within the State from the units of the Andhra Pradesh Beverages Corporation Ltd., to the licensed premises. Such transport shall be governed by Andhra Pradesh Excise (Import, export and transport of IMFL and FL – Permits) Rules, 2005.

28. Sale permitted at the licensed premises only:

- (1) The licensee shall sell liquor only at the premises specified in the licence.
- (2) No change or alteration of the licensed premises shall be made nor the licensed premises shifted elsewhere.
- (3) Shifting of the licensed premises may be permitted for valid reasons within the notified area and subject to conditions as may be specified by the Commissioner of Prohibition. & Excise, subject to payment of 1% of the licence fee or Rs.25,000/- whichever is higher.

Provided that the Commissioner may consider and permit for valid reasons shifting of the licensed premises, notwithstanding the notified area of the licensed premises, within the same Mandal or Municipality or Municipal Corporation without affecting the total number of Notified shops in the said Mandal or Municipality or Municipal Corporation subject to conditions as specified by the Commissioner and subject to payment of 1% of licence fee or Rs.25,000/- whichever is higher.

29. Godown Licence for storage of IMFL/ FL in Form A-4(G):

- (i) The holder of the Licence in Form A4 may apply in Form A-4 (G) to obtain a godown licence for storage of IMFL/ FL in Form A-4(AG) to the concerned Prohibition and Excise Superintendent.
- (ii) The godown shall be located in a revenue village/ Municipality/ Municipal Corporation limits where the A-4 shop is located.
- (iii) The licensee shall remove or transfer any stock of IMFL/ FL from the godown to the A-4 shop for sale under valid transport permit issued by the Prohibition and Excise officer of the concerned Prohibition & Excise Station having jurisdiction.
- (iv) The licensee shall not sell or allow consumption in the licensed premises of the godown.
- (v) The licensee shall not display the sign board or IMFL in the licensed premises.
- (vi) The licence fee for the period of issue of godown licence shall be Rs.1,00,000/-

Provided that a godown licence may be obtained for any period during the licence period and the licence fee for godown licence may be paid proportionately for such period and part of month shall be reckoned as whole month.

30. Licence to be exhibited:-

The proforma licence shall be exhibited at a conspicuous place in the licensed premises.

31. Hours of Business:-

The Licensee shall transact business from 10.00 AM to 11.00 PM only. The licence of the Permit Room shall allow consumption in the permit room during the hours of business of A4 licence.

32. Dry Days:-

The Licensed premises shall be closed and no business transacted on the following days declared as dry days:-

- (i) 26th January - Republic day
- (ii) 15th August - Independence day
- (iii) 2nd October - Gandhi Jayanthi.

Provided that the Licensee shall not be entitled to any compensation whatsoever for the closure of the licensed premises.

33. Licensee not to declare any person to be or not to be his partner:-

No Licensee shall, except with the prior permission of the Commissioner of Prohibition and Excise, get any other person included as partner to his business or get an existing partner excluded;

Provided that the Commissioner may, after such enquiry as he may deem fit, permit the Licensee at his request, to get any person(s) included as partner(s) to his business or exclude any existing partner(s) other than the original Licensee on payment of a fee of 2% of the licence fee or Rs.50,000, whichever is higher, by way of challan.

34. Licensee not to stock unauthorized Indian Made Foreign Liquor and Foreign Liquor:-

The Licensee shall not stock or sell in the licensed premises IMFL and FL of any kind which he is not authorized to buy, stock or sell under the provisions of Act or Rules, Regulations or Orders made thereunder.

35. The Licensee not to stock Indian Made Foreign Liquor or Foreign Liquor at unauthorized place:-

The Licensee shall not stock IMFL and FL in any place other than the licensed premises. The Licensee shall be held responsible for any IMFL and FL unauthorisedly kept outside or nearby the licensed premises.

36. Licensee to sell Indian Made Foreign Liquor and Foreign Liquor of specified Strength:-

The Commissioner of Prohibition and Excise may, authorize the sale of any special brands of IMFL of weaker strength in a particular area, in a particular category of liquor, if he is satisfied with the wholesomeness or purity of such liquor.

37. Indian Made Foreign Liquor or Foreign Liquor not to be adulterated:

The IMFL and FL offered for sale or stored in the licensed premises shall not be substandard, deteriorated, spurious or adulterated and the Licensee shall not tamper with the IMFL and FL in any manner so as to alter their quality, strength, nature or quantity.

38. Adulterated Indian Made Foreign Liquor or Foreign Liquor to be seized:

It shall be competent for the inspecting officer, on finding any IMFL and FL unfit for use, substandard, adulterated or spurious or in respect of which it is believed that some substance has been admixed so as to make it unfit for consumption by any process or manner, to stop it from being sold and to seize the same forthwith and take necessary further action as per rules.

39. Indian Made Foreign Liquor and Foreign Liquor shall not be given or sold to certain persons:

No liquor shall be sold or given to the following persons namely:-

- (i) Lunatics;
- (ii) Persons known or believed to be in a state of drunkenness;
- (iii) Persons about whom it is known or suspected that they are likely to participate in the commission of sedition, insurrection, breach of peace or any other similar offence threatening public peace and tranquility;
- (iv) Soldiers in uniform and the camp servants of military officers in their uniform;
- (v) Persons below (21) years of age.

40. Bottles for sale to carry labels:

Every bottle of IMFL or FL in a licensed premises shall carry Excise Adhesive label or Hologram on the cap of the bottle in addition to the manufacturer's label as approved by the Commissioner of Prohibition and Excise.

41. Sale of only duty paid Indian Made Foreign Liquor and Foreign Liquor:-

- (1) The Licensee shall sell only duty paid IMFL and FL
- (2) The Licensee or his Nowkarnama holder appointed under Rule-44 shall purchase IMFL and FL from the allotted depot of the APBCL only on such terms as may be prescribed. However, the Commissioner of Prohibition & Excise may permit the Licensee to purchase the requirement of IMFL and FL from any other Depot of the APBCL.

42. Maximum Retail Price:-

The Licensee shall sell IMFL and FL at prices not exceeding the Maximum Retail Price indicated on the labels of the bottles and issue bills to the customers accordingly.

43. Harboursing of certain persons prohibited:-

Persons, who are known or believed to have been convicted of any non-bailable offences, who are prostitutes and habitual offenders, shall not be employed nor shall they be allowed to assemble or remain in the licensed premises, and if such persons visit licensed premises the matter shall be forthwith reported to the nearest Police Station by the Licensee.

44. Employment of servants:-

- (1) No woman shall be employed for sale of IMFL and FL without the special permission of the Commissioner of Prohibition and Excise. No male person shall be appointed for such a purpose without the prior permission of the Prohibition and Excise Superintendent and every such person, whether male or female, before being employed shall obtain from the Prohibition and Excise Superintendent, a Nowkarnama form N-1 on payment of a fee of Rs.1000/-
- (2) No nowkarnama shall be granted to the following persons:
 - (i) Persons below twenty one years of age,
 - (ii) Women,
 - (iii) Persons suffering from any infectious or contagious diseases,
 - (iv) Persons of unsound mind,
 - (v) Persons who in the opinion of the Prohibition & Excise Superintendent is of a bad character,
 - (vi) Persons whose Nowkarnama or licences has previously been cancelled within the preceding three years,
 - (vii) Persons convicted of any offence under the Andhra Pradesh Excise Act, (Act of 17 of 1968) or the Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) within the preceding three years,
 - (viii) Persons convicted under Section 482 to 489 of the Indian Penal Code, 1860 (Central Act 45 of 1860),
 - (ix) Defaulters in payment of an amount due to the State Government under the Andhra Pradesh Excise Act or the Rules made thereunder,
- (3) All illegal things done in connection with the transport, possession or sale of IMFL and FL or known to have been done in contravention of the provisions of the Act or the rules made thereunder by the servants of the Licensee shall forthwith be reported to the Prohibition and Excise Superintendent, by the Licensee, and such orders regarding continuance or otherwise of such servants in service as may be issued by the Prohibition and Excise Superintendent shall be carried out by Licensee.

- (4) Every act of the authorized agent or servant shall be deemed to be an act of the Licensee.

45. Intimation to Excise officer:-

The Excise officer of Andhra Pradesh Beverages Corporation Limited depot shall mark a copy of the transport permit to the Prohibition and Excise Station officer concerned and the Station officer shall inspect and verify the consignment within 3 days of the dispatch of the stocks from the Andhra Pradesh Beverages Corporation Limited depot. If the consignment is not verified within the stipulated time mentioned in the rule the Licensee can take the stocks into account and sell them.

46. Consignments to be opened only in the presence of the excise officer;

The Licensee shall open the boxes or packages of all IMFL and FL received in the licensed premises only in the presence of and after inspection by the local excise officer or in his absence by any other excise officer duly authorized in this behalf. If any box, packet, package or bottle is found doubtfully, carelessly or insufficiently sealed, the Licensee shall produce it forthwith before the Excise officer for noting down such damages. The articles insecurely sealed or fastened may be returned by the Licensee to the consigner with the prior approval of the Commissioner of Prohibition and Excise. The Commissioner may allow in such an event, replenishment of stock without fresh payment of duty. The Commissioner shall be competent to relax the application of this rule in special circumstances.

47. No breakages or losses in transit allowed:-

The Licensee shall not be entitled as against the Government, to any compensation or refund or reduction of duty for any loss in breakage while stocks are in transit.

48. Licensee to maintain accounts:-

The Licensee shall maintain full and day to day accounts of IMFL and FL received and disposed of in Form R-1 the pages of which are machine numbered serially. He shall also maintain such other returns as may be required by the Commissioner of Prohibition and Excise, and he shall, for each month, send monthly statements and returns before the 5th of the following months in the forms as may be fixed by the Commissioner to the Prohibition and Excise Superintendent and local Prohibition and Excise Inspector. All registers should be got authenticated before use by the Prohibition and Excise Superintendent. Progressive usage of information technology shall be done as directed by the Commissioner of Prohibition and Excise.

49. Licensee to maintain brand-wise accounts:-

The Licensee shall also maintain in the Daily Brand-wise account in Form R-2 and furnish a statement before the 5th of each month to the Prohibition & Excise Superintendent and local Excise Inspector. The register shall be got authenticated by the Prohibition & Excise Superintendent before use and the pages machine numbered serially. Progressive usage of information technology shall be done as directed by the Commissioner of Prohibition and Excise.

50. Entries in the daily accounts register:

The Licensee shall enter in the register in Form R-1 the full particulars of transport permit of passes and documents or trip sheets, pertaining to the stocks received by him. Progressive usage of information technology shall be done as directed by the Commissioner of Prohibition and Excise.

51. Statements of accounts to be furnished:-

The Licensee shall furnish on requisition any statement of accounts, statistics or other particulars to the Prohibition and Excise Superintendent or to any other officer of the Prohibition & Excise Department not below the rank of a Sub-Inspector.

52. Monetary transactions with officers prohibited:-

Any kind of monetary transactions unconnected with the official purpose between the Licensee and the personnel of the Prohibition & Excise, Police, Revenue Department and the personnel of the A.P.B.C.L is strictly prohibited.

53. Officers authorised to inspect premises:-

Any officer not below the rank of a Prohibition & Excise Sub-Inspector may enter and inspect the licensed premises during the working hours and inspect and verify all the accounts, registers and stocks. It shall be competent for such inspecting officer to take such samples as might be necessary, or to take charge of such records and registers as might be necessary, and it shall be incumbent on the Licensee to offer reasonable assistance for such inspecting officers to inspect, verify and to take samples. For any records removed from the premises, the Prohibition & Excise officer should give a receipt or in the alternative make an entry in the inspection book in this regard.

54. Inspection book to be maintained:-

An inspection book inform I-1 with machine numbered pages shall be kept in the shop for the use of the inspecting officers, and the Licensee shall be responsible for the safe custody of it. The inspection book shall be the property of the Government and shall be handed over to the Prohibition & Excise officer concerned on expiry of the licence period.

55. Licence to be surrendered to the Prohibition and Excise Superintendent on expiry:-

Every licence issued under these rules, either jointly or severally, to the Licensee (s) named therein shall, on its expiry, be deemed to have been surrendered by the Licensees to the Prohibition and Excise Superintendent.

56. Licensees to abide by the provisions of the Act etc:

Every holder of the licence under these rules shall comply promptly with all orders or directions issued from time to time under the Act, and the rules and orders made thereunder and shall abide by all the conditions of the licence / permit.

57. Suspension, withdrawal or cancellation of a, licence or permit:-

A, licence or permit may be suspended, cancelled or withdrawn in accordance with the provisions of Sections 31 or 32 of the Act. The shop may be re-allotted on cancellation or withdrawal by conducting fresh selection process.

58. Stocks on cancellation of licence:-

If a licence is cancelled on account of a criminal case during the currency of the licence period the whole stock of the IMFL/FL seized from the shop shall be confiscated.

59. Stocks on withdrawal of licence:-

If a licence is withdrawn during the currency of period under sub-section (1) of Section 32 or clause (e) of sub-section (1) of Section 31 of the Act, the whole stock of the IMFL/ FL found in the shop shall be seized and seized stock shall be sold by the Prohibition and Excise Superintendent to any other Licensee and the proceeds of the sale shall after deduction of the expenses and any other sum due to the Government be refunded to the

Licensee".

60. No Remission for closure:

The Licensee shall not be entitled to remission of licence fee or compensation on account of closure of the licensed premises when the same is ordered to close under Section 20 of the Act.

61. Removal of difficulties:

If there is any doubt or dispute regarding the application or interpretation of any of these rules, the decision of the Commissioner of Prohibition and Excise thereon shall be final.

FORM A-1
(See Rule 6(i))

Declaration

I, _____ s/o _____ age _____ () Years _____ R/o _____ village/
Town/ Mandal _____ District _____ do hereby agree that if
the licence for sale of Indian Made Foreign Liquor and Foreign Liquor by 'shop' for
the **licence period 20_____ to 20_____** is granted in my favour, I shall remit the
licence fee as required under Rule-16 of the Andhra Pradesh Excise (Grant of licence
of selling by shop and conditions of licence) Rules, 2012.

I shall abide by the decision of the Selection Authority in all matters
connected with my application(s)

I shall abide by the terms and conditions of the Andhra Pradesh Excise (Grant
of licence of selling by shop and conditions of licence) Rules, 2012. In particular I
shall abide by the provisions of Rule-42 relating to selling of IMFL and FL at a price
not exceeding the Maximum Retail Price.

Hence this declaration is duly executed by me today the _____ day of
_____ 20_____ .

Signature

The declaration is executed before me by Sri _____ S/o.
_____ R/o _____ who is personally known to me/ who is
identified by Sri _____

Signature of the Attesting officer.

FORM A-2
(See Rule 6 (ii))

Affidavit
(To be filled by the applicant)

1. I, _____ s/o _____ age _____ Occupation _____
R/o _____ Village/ Town of _____ Mandal and
_____ District do hereby solemnly and sincerely affirm and state as
follows:
2. I _____ intend to submit an application under
Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of
licence) Rules, 2012 **for the licence period 20____ to 20_____.**
3. I hereby declare that I am the absolute owner/ joint owner having share to
an extent indicated below of the immovable properties mentioned below and I am
in sole / joint possession and enjoyment of these properties in my right and there
are no encumbrances or liabilities on those properties.

Description of immovable property	Extent of property	Location	Sole or joint, If joint the extent of share	Value of share of the Property owned by him in Column No.2 & 4.
1	2	3	4	5
1. Lands (a)Agricultural lands, (b) Non-Agricultural lands. (2) Buildings (a)Residential houses etc., (b)Commercial (c)Other categories (3) Industries				

4. I hereby undertake not to alienate or otherwise encumber the properties listed
above in para (3) until I pay the dues if any accrued during the period.
Signature

Solemnly and sincerely affirmed this ____ day of ____20____ the contents of
this affidavit having been read over audibly and explained to the deponent who
having understood the same put his signature/ thumb-impression in my presence at
_____(time) on (date)_____.

Before me

Attestor
(NOTARY)

FORM A-2(S)
(See Rule 16 (iii))
Surity bond cum Affidavit
(To be filled by a surety)

1. I, _____ S/o _____ aged _____ Occ: _____
R/o _____ Village/ Town of _____ Mandal and
_____ District do hereby solemnly and sincerely affirm and state as
follows:

2. I _____ do hereby declare myself as surety for an amount of Rs _____ (Rupees _____) for the successful applicant for the licence period 20____ to 20____ of _____ A-4 shop, Sri. _____ S/o _____ Aged _____ R/o _____ Village/ town of _____ Mandal and _____ district for fulfillment of his obligations under Rule 16 of Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2012 in payment of installments of licence fee.
3. I hereby declare that I am the absolute owner/ joint owner having share to an extent indicated below of the immovable properties mentioned below and I am in sole / joint possession and enjoyment of these properties in my right and there are no encumbrances or liabilities on those properties.

Description of immovable property	Extent of property	Location	Sole or Joint, If joint the extent of share	Value of share of the Property owned by him in Column No.2 & 4.
1	2	3	4	5
1. Lands (a)Agricultural lands, (b) Non-Agricultural lands. (2) Buildings (a)Residential houses etc., (b)Commercial (c)Other categories (3) Industries				

4) I hereby undertake not to alienate or otherwise encumber the properties listed above in para (3) until the said Licensee pays the dues if any accrued during the licence period.

(5) I hereby undertake that in case the Licensee making default in payment of the licence fee under Rule 19 of the said rules I bind myself to forfeit the property shown in column No.4 of Para 3 above to the Government the value of which is a sum of Rs._____.

Signature of the Surity

Witnesses:

- 1.
- 2.

Solemnly and sincerely affirmed this ____ day of ____20____ the contents of this affidavit having been read over audibly and explained to the deponent who having understood the same put his signature/ thumb-impression in my presence at _____(time) on (date)_____.

Before me

Attestor
(NOTARY)

(See Rule 6(iii))
Declaration

1. I, _____ s/o _____ aged _____ Occ: _____
R/o _____ Village/ Town of _____ Mandal and _____ District
do hereby solemnly and sincerely affirm and state as follows:
2. I _____ intend to submit an application under Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2012.
3. I, _____ s/o _____ Age _____ years, R/o _____ village/ Town/ Mandal _____ Distrct _____ do hereby declare that I am not disqualified under Rule 8 of Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2012.

Signature

Solemnly and sincerely affirmed this _____ day of _____ 20 the contents of this affidavit having been read over audibly and explained to the deponent who having understood the same put his signature/ thumb-impression in my presence at _____

Attesting officer

ENTRY PASS _____ DISTRICT
(See Rule 7)

GOVERNMENT OF ANDHRA PRADESH
PROHIBITION AND EXCISE DEPARTMENT

Serial No. () Date:

Issued by the office of the Prohibition and Excise Superintendent to
Sri _____ s/o _____ R/o _____
H.No. _____ Age() Years, Mandal _____ District _____

PROHIBITION AND EXCISE SUPERINTENDENT

DISTRICT

Specimen
signature of
the entry pass Holder

FORM A-3 (A)

APPLICATION FOR GRANT OF A4 LICENCE _____ AS NOTIFIED IN THE
DISTRICT
(Rule 12)

GAZETTE No. _____ DATED _____

Affix passport
size
photograph of
the applicant

DISTRICT:

1. Name of the applicant
with father's name :
2. Full residential address :
3. Details of Company or Partnership
Firm with registration particulars
represented by the applicant :
4. Serial number of the shop as per gazette :
5. The area/locality of the A4 shop as
notified in the gazette :
6. Licence fee notified for the shop :
7. Details of payment of **Rs.5,00,000/-**
(see rule 16(1)(iii)) :
- 8. Details of premises to be licensed :**
9. Capacity to invest annually :
10. Identity proof (one of the following)
a) Voter ID card
b) Income tax PAN card
c) Driving licence
d) Adhar card
e) Ration card
f) Passport :
11. Details of other Excise licences, if any,
held by him in the state of A.P. :
12. PAN Card No.(if available)
(Xerox copy self attested to be enclosed) :

I hereby declare that the particulars given above are true to the best of my knowledge and belief. If at a later stage any of the facts are found to be false the licence may be cancelled and I may be prosecuted as per the Andhra Pradesh Excise Act, 1968 or the Rules thereunder.

I hereby, undertake to abide by the rules and licence conditions prescribed under the Andhra Pradesh Excise Act, 1968.

Place :

Signature of the Applicant

Date :
FORM A-4
(See Rule 15)

Licence for the sale of Indian Made Foreign Liquor and Foreign Liquor by shop

Whereas Sri _____ s/o _____
r/o _____ is the selected applicant in respect of the privilege of sale of Indian Made Foreign Liquor and Foreign Liquor by shop at Gazette Sl. No. _____ for the licence period from _____ to _____, I _____ Prohibition and Excise Superintendent _____ hereby issue Licence to the applicant to sell Indian Made Foreign Liquor and Foreign Liquor on the premises bearing No. _____ the details of which are as follows:-

BOUNDARIES

Locality _____ village/ town within the marginally noted boundaries during the period commencing from the _____ and ending with the 30th June, 20 _____

East:

West:

North:

South:

1. The privilege extends to the sale of all kinds of Indian Made Foreign Liquor and Foreign Liquor which can be sold for removal from the licensed premises in sealed receptacles in quantities not exceeding 6 Quarts in respect of Indian Made Foreign Liquor and Foreign liquor other than Beer and 12 bottles in respect of Beer in one transaction to an unlicensed person.

The Licensee can also sell stocks of IMFL/ FL to the holder of licence in Form EP-1 without any restriction on the quantity.

2. The Licensee is prohibited from purifying, colouring and flavouring the Indian Made Foreign Liquor or mixing any material therewith and from blending another kind of Indian Made Foreign Liquor with it or to keep to his possession other than liquor authorised under this licence.
3. The Licensee is prohibited from bottling Indian Made Foreign Liquor and Foreign Liquor.
4. The possession or sale of diluted beer by the Licensee is prohibited.
5. All Indian Made Foreign Liquor and Foreign Liquor sold under this licence shall be duty paid and obtained from the IML Depot of the Andhra Pradesh Beverages Corporation Limited as allotted by the Licensing Authority.
6. The Licensee shall sell only duty paid Indian Made Foreign Liquor in sealed, capsuled bottles affixed with Excise Adhesive Labels and manufacturers labels duly approved by the commissioner of Prohibition & Excise as required, under these rules.
7. The Licensee shall maintain and furnish to the Prohibition & Excise Superintendent statistics showing the consumption of all kinds of Indian Made Foreign Liquor and Foreign Liquor separately.
8. This licence is not transferable,
9. The Licensee shall be subject to cancellation or suspension at will by the Commissioner,
10. The Licensee shall not act in any manner prejudicial to the interests of the revenues of the Government.
11. The Licensee shall sell Indian Made Foreign Liquor and Foreign Liquor at prices not exceeding the Maximum Retail Price printed on the liquor bottles and issue bills accordingly.
12. The Licensee shall abide by the Rules and instructions issued by the Government / Commissioner from time to time.

Dated: _____ day of _____ 20

Prohibition and Excise Superintendent
_____ District

FORM A-4 (A)

(See Rule 24)

**Application for grant of privilege in Form A-4(B) for Permit Room for consumption of Indian Made Foreign Liquor/Foreign Liquor
[Affix requisite value as per the provisions of the Indian Stamp Act, 1889, as amended from time to time]**

1. Name of the applicant:
2. Full residential address:
3. Details of A-4 Licence
 - a) Name of the Licence
 - b) Licence No. etc.,
 - c) Period for which the licence is valid
4. Details of premises to be licensed (boundaries of the premises are to be specified and building plan of the proposed premises in triplicate shall be enclosed.)
5. Details of other licences held by him
6. Date on which he can commence business
7. The amount of licence fee paid
(Treasury challan to be enclosed)

I hereby declare that the particulars given above are true to the best of my knowledge and belief. If at a later stage any of the facts are found to be false the licence may be cancelled and I may be prosecuted as per provisions of the Andhra Pradesh Excise Act, 1968 or the rules thereunder.

I, hereby, undertake to abide by the rules and licence conditions prescribed under the Andhra Pradesh Excise Act, 1968.

Signature of the applicant

FORM A-4 (B)
(See rule 24)

Number of licence:

Date:

District :

Licence for Permit Room attached to A-4 shop for permitting consumption of Indian Made Foreign Liquor / Foreign Liquor.

I, Prohibition. & Excise Superintendent, District, in consideration of the payment of fee of Rs. (Rupees Only), the receipt of which is hereby acknowledged, hereby issue licence to Sri(name and address), Licensee of A-4 shop M/s.,bearing licence no.....) permitting the premises bearing no., the details of which are shown below, for the purpose of consumption of Indian Made Foreign Liquor / Foreign Liquor purchased from his A-4 shop.

BOUNDARIES

LocalityVillage/Town during the licence period commencing from the.....and ending with 30th June, 20___, subject to following conditions, and stipulations to be observed:

East
West
North
South

Conditions:

1. The Licensee shall be bound by the provision of the A P Excise (Grant of licence of selling by Shop and conditions of Licence) Rules, 2012 and as amended from time to time and also by the following special conditions.
2. The privilege conferred herein extends only for allowing consumption of Indian Made Foreign Liquor/Foreign Liquor supplied by APBCL and sold by the A-4 Licensee.
3. The licence is not transferable
4. The licence shall be subject to cancellation or suspension at will by the Commissioner
5. The Licensee shall not act in any manner prejudicial to the interests of the revenues of the Government.

Dated: day of 20

Prohibition and Excise Superintendent
_____Excise District

FORM A-4 (G)
(See Rule 29)

Application form for licence to store IML/BEER

(Affix requisite value as per the provisions of the Indian Stamp Act, 1889 as amended from time to time).

1. Name of the applicant:
 2. Full residential address:
 3. Details of company or partnership
With registration particulars.
 4. Details of A-4 Licence held
 5. Details of premises to be licensed
for storage of IML/Beer
- D.No.
Street No.
Boundaries
East
West
North
South
1. Details of other licences held by him/her
 2. Date on which he can commence to
store IML/Beer

I hereby declare that the particulars given above are true to the best of my knowledge and belief. If at a later stage any of the facts are found to be false the licence may be cancelled and I may be prosecuted as per provisions of the Andhra Pradesh Excise Act, 1968 or the rules thereunder.

I, hereby, undertake to abide by the rules and licence conditions prescribed under the Andhra Pradesh Excise Act, 1968.

Signature of the applicant

FORM A-5
(See Rule 16)
Bank Guarantee

In consideration of the Governor of Andhra Pradesh hereinafter called "The Government" having agreed to exempt Sri _____ hereinafter called "said Licensee" from the demand under the relevant rules of Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules 2012 and as agreed under the terms and conditions agreed dated _____ made between Prohibition and Excise Superintendent and said Licensee for the fulfillment by the said Licensee of the terms and conditions contained in the said rules and said agreement on production of a Bank Guarantee for Rs. _____ (In words) (Rupees _____)

We _____ (hereafter) (Indicate the name of the Bank) _____ referred to as "the Bank" at the request of the Licensee do hereby undertake to pay the Government an amount not exceeding Rs _____ against any liability of the said Licensee to the Government arising by reason of any breach of the said contract of the said rules and the agreement.

- (1) We _____ do hereby undertake to (indicate the name of the Bank) _____ pay amounts due and payable under this guarantee without any demur, merely on a demand from the Government. Any such demand made on the Bank shall be conclusive both as regards breach of the terms and conditions and the amount due under the rules and the contract. However our liability under this guarantee shall be restricted to an amount not exceeding Rs. _____.
- (2) We also undertake to pay interest at the rate of 18% for the period over and above 15 days from the date of receipt of demand of claim for payment in writing from you to the date of actual payment made by us.
- (3) We undertake to pay to the Government any money so demanded or notwithstanding any dispute or disputes raised by the Licensee(s) in any suit or proceeding pending before any court or Tribunal relating thereto in the absence of jurisdiction or prohibitory order, our liability under this present being absolute and unequivocal.
- (4) The Government is free to demand the amount guaranteed either completely or in parts as it may suit them.

The payment so made by us under this bond shall be a valid discharge of our liability for payment thereunder and the Licensee (s) shall have no claim against us for making such payment.

- (5) We _____ (indicate the name of the Bank) _____ further agree that the guarantee herein contained shall remaining in full force and effect during the period that would be taken for the performance of the said agreement and that it shall continue to be enforceable till all the dues of the Government under or its claims satisfied or charged to till _____ office/Department Minister of _____ certify that the terms and conditions of the said agreement have been fully and properly carried out by the said Licensee(s) and accordingly discharge this guarantee.
- (6) We _____ (indicate the name of the Bank) _____ further agree with the Government that the Government shall have the fullest liberty without our consent and without affecting in any manner our obligation hereunder to vary any of the terms and conditions of the said agreement or to extend time of performance by the said Licensee (s) from time to time any of the powers exercisable by the Government against the said Licensee (s) and to forbear or enforce any of the terms and conditions relating to the said agreement and shall not be relieved from our liability by reason of any such variation, or extension being granted to the said Licensee(s) or by any such matter or thing whatsoever which under the law relating to sureties would, but for this provision, have effect of so relieving us.

(7) This guarantee will not be discharged due to the change in the constitution of the Bank or the Licensees.

(8) We _____ (indicate the name of the Bank) _____ undertake not to revoke this guarantee during its currency except with the previous consent of the Government in writing.

(9) We _____ (indicate the name of the Bank) _____ lastly state that this guarantee will remain in force for a period of _____ months from the date of execution or clearance certificate obtained from the government whichever is later.

Date the _____ day of _____ 20

For _____ (indicate the name of the Bank)

FORM A-6
(See Rule 19)

Counterpart Agreement for grant of Licence for selling by Shops

I/We_____ S/o_____ R/o_____ Age (____) years severally/ jointly are the Licensees in respect of the privilege of shop pertaining to village_____ Mandal_____ District on a yearly licence fee of Rs._____ (In words_____) for the period from 1st July,_____ to end of June _____ in accordance with the provisions of the Andhra Pradesh Excise Act and the Rules framed thereunder and subject to terms and conditions of licence and also subject to the terms and conditions as agreed to by me/ us in this counterpart agreement_____.

I/ We_____ hereby affirm that I/ We shall be severally and jointly responsible to abide by the terms and conditions of _____ issued in respect of the said shop for the period as laid down in the Licensee No. _____ dt_____ and I/We shall pay promptly and in time the 2nd and 3rd installments of licence fee, amounts towards penalties or any other charges or other liabilities if imposed and any other dues if accrued in respect of my/ our shop, I/ We_____ shall abide by all the provisions of the Andhra Pradesh Excise (Grant of licence of selling by Shop and conditions of licence) Rules, 2012 and other conditions relating to sale of Indian Made Foreign Liquor and Foreign Liquor by shop that are existing and as may be amended from time to time, I/ We_____ shall be bound to pay any enhanced duty and the like as may be levied from time to time. If I/ We_____ fail to pay in time licence fee, excise duty, penalties, if imposed, and any other dues or make any efforts to evade payment of these amounts, the District Collector reserves the right to re-allot the shop obtained by me/ us and to realise the entire amounts so due by way of forfeiting the deposits and by way of distraining my/our movable and immovable properties whatsoever I/We/our sureties _____ possess and shown in Affidavit (Form A-2) and surety bond-cum-affidavit (Form A-2(S)) and selling the said properties under the Andhra Pradesh Revenue Recovery Act, 1864.

This agreement is executed in favour of the District Collector that the authority may enforce the above terms and conditions agreed by me/ us.

Place
Date
Address:

Signature or Thumb-impression of
Licensee/ Licensees.

I certify that Sri/Sarvasri _____ son of _____ known to me/ identified by Sri/ Sarvasri _____ known to me executed the agreement and signed before me.

Date:
-----District
for the District Collector.

Prohibition and Excise Superintendent

Form N-1
Nowkarnama
(See Rule- 44)

Date: _____

- 1) District,
- 2) Mandal,
- 3) Village
- 4) (i) Name of the shop
(ii) Number of the licence & Date.
- 5) (i) Name of the Licensee
(ii) Address,
- 6) (i) Name of the Agent or the authorised Servant
(ii) Date of Birth/ Age,
(iii) Father's name,
(iv) Identification Marks of the Agent or the authorised servant,
- 7) Signature or thumb impression of the Agent or the authorised servant.
- 8) Signature or thumb impression of the Licensee

*Here affix
Photograph, of
the agent or the
Authorised
Servant.*

Seal:

Place:

Date: _____ Prohibition and Excise Superintendent

Note:-

1. The agent or the authorised servant shall sign or affix his thumb impression before the Prohibition and Excise Superintendent
2. Prohibition and Excise Superintendent shall attest the signature or thumb impression and also sign across the Photograph of the agent/ authorised servant under his official seal in token of its correctness,
3. The Nowkarnama shall be issued induplicate and the duplicate retained in the Office of the Prohibition and Excise Superintendent

FORM R-1
(See Rule- 48)
DAILY ACCOUNT REGISTER

(Separate page should be set apart for each type of liquor with an index in the front page of the Register)

Name of the Licensee
Licence No. and Date

Sl.No.	Date, Month And year	Opening Stock		Receipts		Issues	
		No. of Bottles	Quarts, Pints, Nips, Dips	No. of Bottles	Quarts, Pints, Nips, Dips	No. of Bottles	Quarts, Pints, Nips, Dips
1	2	3	4	5	6	7	8

Balance		No.of date of T.P. In respect of receipts Shown in col.5, 6	Signature of the Licensee	Remarks
No. of Bottles	Quarts, Pints, Nips, Dips			
9	10	11	12	13

FORM R-2
(See Rule – 49)
Daily Brand-wise Account Register.

(Separate page should be set apart for each type of liquor with an index in the front page of the Register)
Name of the Licensee
Licence No. and Date

Date	Item	Opening Stock				Receipts				Issues			
		Quar ts	Pin ts	Nip s	Dip s	Quart s	Pint s	Nip s	Dip s	Quart s	Pint s	Nip s	Dips
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Balance				Signature of the Licensee
Quarts	Pints	Nips	Dips	
15	16	17	18	19

FORM I-1
Inspection Book
(See Rule - 54)

- 1) Date of Inspection,
- 2) Time of Inspection,
- 3) Name of the Officer Inspecting with his designation,
- 4) Quantity of liquors as per stock books,
- 5) Quantity found actually in stock,
- 6) Difference if any, and the reasons given by the Licensee
- 7) General conditions of the licensed premises,
- 8) Other remarks or directions, if any,

Signature of the Officer inspecting

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Printing and Stationery & Stores Purchasing,
Hyderabad(he is requested to publish the same in the Extraordinary Gazette,
dated.__06.2012 and furnish 500 copies of each to Government and
Commissioner of Prohibition and Excise and 50 copies to commissioner of
Information & Public Relation Department, Hyderabad)

The Commissioner of Prohibition and Excise, Hyderabad.

The PS to Special Secretary to CM.

The Law(E) Department.

SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER